



United States Department of the Interior

Fish and Wildlife Service
Office of the State Supervisor
P.O. Box 2676
Vero Beach, FL 32961

National Park Service
Everglades National Park
4001 State Road 9336
Homestead, FL 33034

June 22, 2000

Mr. Elmar Kurzbach
Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Kurzbach:

The Fish and Wildlife Service (FWS) and Everglades National Park provide the following comments with regard to the Army Corps of Engineers' (Corps) May 5, 2000, Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) on Modified Water Deliveries to Everglades National Park (Mod Waters Project) to Address a Change in Design of U.S. Highway 41 (Tamiami Trail) Originally Proposed Modifications.

General Comments

In general, we are pleased that the Corps has begun planning for this important redesign effort that will allow for significant progress towards restoration of the Everglades ecosystem. However, we note that preliminary descriptions in the May 5, 2000, Notice of Intent of alternatives to be considered are not consistent with preliminary alternatives for this project described in the Corps' June 8, 2000, public scoping workshop and June 9, 2000, interagency meeting. Although we understand that alternatives being considered by the Corps may change in this early portion of the redesign effort, clarification of these apparent discrepancies will help us and other interested parties to focus our review on the most pertinent issues.

Specific Comments

The National Park Service (NPS) and FWS have agreed that the following issues should be carefully analyzed in the Corps' planning process and should guide your selection of a preferred alternative.

1. Minimize wetland loss and wetland impacts. Consistent with Executive Order 11990, the project should result in no net wetland loss. The existing L-29 and US 41 rights-of-way should be utilized such that there is no loss of wetlands or wetland function. Alternatives locating a new roadway north or south of the existing footprint or rebuilding the existing roadway with a wider footprint would result in substantial losses of pristine Everglades wetlands. Scenarios including temporary bypass roads may temporarily impact wetlands. Such impacts should be avoided as much as possible.
2. Expand project objective to include ecological considerations. The Corps needs to more broadly interpret the project objectives. The focus seems primarily related to hydraulic considerations in passing a specified discharge. The project objectives should be expanded to also include ecological considerations, such as increasing ecological connectivity, reducing wildlife mortality, and minimizing landscape-scale impacts on habitats resulting from sheetflow disruption. This is justified under the Everglades National Park Expansion Act of 1989 (PL 102-229). The Corps "is authorized and directed [...] to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrologic conditions within the park." Natural hydrologic conditions, including natural sheetflow, would certainly be related to and conducive to ecological connectivity and habitat protection. Moreover, the act has as one of its purposes "to enhance and restore the ecological values" of Everglades National Park, and the Corps is directed to take measures "consistent with the purposes of the project to protect natural values associated with Everglades National Park." Thus, including ecological considerations, and enhancing and restoring the ecological values of the Park in the design of Tamiami Trail modifications is entirely within the Corps' authority and entirely consistent with the purposes of the Modified Water Deliveries Project.

Neglecting to consider ecological considerations may also lead to unnecessary future costs and difficulties. For example, the Comprehensive Everglades Restoration Plan (CERP) calls for removing L-29 levee and the S-355A&B structures. Not including features intended to minimize the ecological consequences of the road may mean the CERP will have to remove L-29, S355A&B, and redo any Tamiami Trail modifications. Certainly not considering the possibility of having US 41 on L-29 levee means that Alternative 3 is much more expensive because of the failure to design S-355A&B to include the potential for a downstream bridge.

Considering ecological values at the outset in developing alternatives will significantly improve the project. The existing roadway serves as a barrier to movement of many wildlife species between two major portions of the remaining Everglades system, reducing gene flow between populations and increasing mortality rates as individuals are killed while attempting to cross the road. The four new bridges contemplated in most of the preliminary alternatives may increase connectivity for fish and aquatic invertebrates, but are unlikely to substantially decrease road-related mortality for other species. Significant improvements in connectivity could be achieved through increased bridging, even to the extent of bridging of the entire roadway.

3. Minimize potential adverse effects on the endangered wood stork. The Tamiami West wood stork colony is located immediately south of the existing roadway near the S355B structure and could be impacted by bridge construction nearby and by relocating the roadway to the south or widening the existing footprint to the south. This colony has been the only active wood stork colony in Everglades National Park in recent years and is estimated to contain several hundred nesting pairs in some years. Therefore, impacts to wood storks could be substantial and should be avoided.
4. Address water quality concerns. All alternatives should include features to capture and treat stormwater runoff.
5. Minimize impacts to wildlife related recreational access. The existing roadway provides important access points for wildlife related recreational use of Water Conservation Area 3. Existing levels of access should be maintained or increased consistent with restoration objectives.
6. Minimize impacts to Everglades National Park lands. Everglades National Park is not likely to support alternatives that result in wetland loss within the Park. The specified purpose of Everglades National Park Expansion Act of 1989 was to limit habitat loss, and the Secretary of the Interior was directed to manage the area to "maintain natural abundance, diversity, and ecological integrity of the native plants and animals." Moreover, the Secretary of the Interior was directed to manage the area consistent with the National Park Service Organic Act of August 25, 1916. Therefore, alternatives that propose significant wetland loss, particularly within Everglades National Park, are likely to be viewed as inconsistent with project objectives.

Mr. Elmar Kurzbach

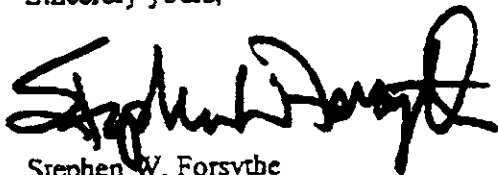
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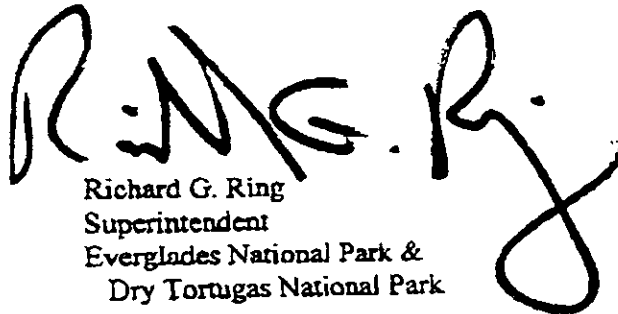
7. Develop a complete and long-term solution. The Department of the Interior (Department) is expecting that the benefits of the Modified Water Deliveries Project will be delivered in perpetuity by the Central & Southern Florida (C&SF) Project. Alternatives that potentially limit the duration of expected benefits or saddle the Department with long-term, open-ended costs are not desirable. For example, if alternative 4 was selected, the maintenance agreement between the Corps and the Florida Department of Transportation (FDOT) should not, when it lapses, result in the withdrawal of Modified Water Deliveries benefits. Moreover, maintenance costs should be considered C&SF Project Operation and Maintenance costs, borne by the Corps. The Department is not likely to be in a position to bear long-term, open-ended costs as part of this project.
8. Make Tamiami Trail hydrologic investigations consistent with the conveyance and seepage features being considered in Modified Water Deliveries. A thorough examination of expected water levels in Northeast Shark Slough predicted by regional-scale models in the conveyance and seepage investigations for Modified Water Deliveries is instructive. Downstream of Tamiami Trail, water levels are expected to exceed 7.5 ft mean sea level (msl) for 30 days or more 4 years out of 5. Water levels are expected to exceed 8.5 ft msl for 30 days or more about 1 year in 10. Maximum 24 hour water levels are expected to exceed 9.0 ft msl with a frequency of 1 year in 10. These results vary markedly from predictions by the Corps in a separate and independent analysis dated 19 January 1999, where the Corps recommended four bridges. Assuring that the Tamiami Trail investigations are consistent with other Modified Water Deliveries features is necessary to assure full delivery of expected project benefits.

We appreciate the opportunity to comment. If you have any questions about this letter, please contact Biologist Heather McSharry at (561) 778-0896 or Dr. Thomas Van Lent at (305) 242-7804.

Sincerely yours,



Stephen W. Forsythe
State Supervisor
Ecological Services
Fish and Wildlife Service



Richard G. Ring
Superintendent
Everglades National Park &
Dry Tortugas National Park

Mr. Elmar Kurzbach

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cc:

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Florida Fish and Wildlife Conservation Commission, Vero Beach, FL

Florida Department of Transportation, Miami, FL

South Florida Water Management District, West Palm Beach, FL

Florida Dept. of Environmental Protection, Tallahassee, FL

Florida Dept. of Agriculture and Consumer Services, West Palm Beach, FL

Miccosukee Tribe, Miami, FL

Seminole Tribe, Hollywood, FL